

Remarks

This is in response to the non-final Office Action mailed on March 30, 2004. Claims 1-12 remain pending. Reconsideration and allowance are respectfully requested in view of the following remarks.

I. Claims 1-12

Claim 1 is directed at an in-vivo tissue inspection device including a first non-imaging light collector having an entrance and an exit, and a second non-imaging light collector having an entrance and an exit, the second non-imaging light collector being arranged so that its entrance is in light communication with the exit of the first non-imaging light collector. Claim 1 further recites a light guide, and an optical element, wherein the light guide is positioned between the second non-imaging light collector and the optical element.

One example embodiment of an inspection device configured as recited by claim 1 is shown in Figure 1 of the present invention. Device 100 includes a first non-imaging light collector 102 and a second non-imaging light collector 108 arranged so that its entrance is in light communication with the exit of the first non-imaging light collector 102. In addition, device 100 includes a light guide 114 positioned between the second non-imaging light collector 108 and an optical element 120. Application, p. 14, ll. 16-29.

Such a configuration can be advantageous, for example, so that illumination of the test site and collection of data can be accomplished by the same optical path through the device. Application, p. 9, ll. 20 and 21.

Claims 2-12 depend from claim 1 and further define the inspection device.

II. Claim Rejections - 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Grombrich et al., U.S. Patent No. 6,081,740. This rejection is respectfully traversed for at least the following reasons.

Grombrich discloses an apparatus for imaging and sampling tissue including an endoscope 30. Grombrich, col. 3, l. 66 - col. 4, l. 21. The endoscope 30 includes a light processing unit 33, distal optics 35, imaging detectors 45, a sampling device 220, and a fiber optic cable 55. See Grombrich, Figure 1.

Grombrich fails to disclose or suggest first and second non-imaging light collectors configured as recited by claim 1. Therefore, Grombrich fails to disclose or suggest at least the following limitations of claim 1:

- a second non-imaging light collector being arranged so that its entrance is in light communication with the exit of the first non-imaging light collector; and
- a light guide positioned between the second non-imaging light collector and an optical element.

Reconsideration and allowance of claim 1 are respectfully requested for at least these reasons.

III. Claim Rejections - 35 U.S.C. § 103

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grombrich in view of Tanaka et al., "Compound Parabolic Concentrator Probe for Efficient Light Collection in Spectroscopy of Biological Tissue." This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

However, Tanaka does not remedy the shortcomings of Grombrich noted above. Claims 2 and 3 depend from claim 1. Therefore, claims 2 and 3 should be allowable for at least the same reasons as those provided above with respect to claim 1.

Claims 4-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grombrich in view of Mayshack et al., U.S. Patent No. 6,513,962. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

However, Mayshack does not remedy the shortcomings of Grombrich noted above. Claims 4-12 depend from claim 1. Therefore, claims 4-12 should be allowable for at least the same reasons as those provided above with respect to claim 1.

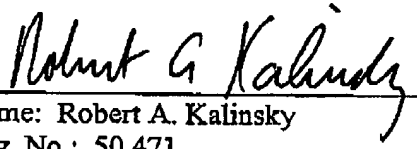
IV. Conclusion

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested.
Please contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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Name: Robert A. Kalinsky
Reg. No.: 50,471
RAK:pll